

REMARKS

Claims 1, 5-7 and 9-18 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bellar (U.S. 4,636,043) in view of Norris (U.S. 5,262,613). Claim 2 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bellar in view of Norris and further in view of Krichever (U.S. 5,367,152). Claims 3 and 4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bellar in view of Norris and in further view of Guillet (FR 2 271 683). Claim 8 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Bellar in view of Norris and in further view of Xu (U.S. 6,121,574). These contentions are respectfully traversed.

There is insufficient motivation to combine either Xu, Guillet or Krichever with Bellar and Norris. To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine reference teachings. See MPEP 706.02(j). With respect to the suggested combinations of Xu, Guillet and Krichever with Bellar and Norris, the identified motivation in each case is a proposed advantage of the combination, with no indication that such a suggestions or motivation can be found in the references or in the knowledge generally available to one of ordinary skill in the art. Thus, a prima facie case of unpatentability has not been established with respect to these proposed reference combinations.

Independent claim 1 has been amended to include the features of cancelled claims 2-4. New independent claim 19 has also been added with features similar to amended claim 1. The art of record, either alone or in combination, fails to teach or suggest the claimed printing system and apparatus. For example, the art of record fails to teach or suggest either "a bearing that couples the printing beam exit member with the housing, the printing beam exit member being movable relative to the housing, and the bearing having an axis of rotation, wherein the printing beam passes through the bearing along the axis of rotation" (claim 1) or "at least a portion of the optics assembly is rotatable about an axis that lies in and is parallel with at least a portion of the printing beam within the rotatable portion of the optics assembly, allowing the printing beam to be manually aimed to redefine the printing region" (claim 19).

Guillet teaches a laser machining device with a beam deflection system designed to minimize vibration. Guillet essentially provides a two axis gimbal that corrects for vibration and keeps the beam centered. The two axes of rotation in Guillet provide small adjustments in the pitch and yaw of the beam relative to its direction of travel in the lens system. The rotation of the lens system does not provide for roll of the beam. Thus, Guillet does not provide rotation about an axis that lies in and is also parallel with the beam, as recited in claim 19; and Guillet does not provide a beam that passes through a bearing along the axis of rotation of the bearing, as recited in claim 1. Guillet teaches how to keep the focused spot constant and uses a ninety degree fold mirror 26 that is fixed in place. In view of this clarification of Guillet, independent claims 1 and 19 are in condition for allowance.

Dependent claims 5-18 and 20-23 are patentable based on the above arguments and their own merits. For example, claim 8 recites "a print zone light source for producing a print zone beam for defining a print zone within which the code is printed", and claim 20 recites "a print zone light source that produces a print zone beam that highlights a furthest extent of the printing region on the material as defined by an orientation of the rotatable portion of the optics assembly." Xu includes a guide beam laser that produces a spot indicating the general location of the printing area. The guide beam laser of Xu does not define a print zone within which a code is printed, and Xu does not produce a print zone beam that highlights a furthest extent of the printing region on the material. This innovative distinction over Xu is important, as it allows, among other advantages, a user of the laser printing machine to very quickly identify the furthest extent of where the printing beam will go, increasing ease of use, reducing machine set up time, and facilitating changes or adjustments to be made to the printing system.

It is respectfully suggested for all of these reasons, that the current rejection is totally overcome; that none of the cited art teaches or suggests the features which are now claimed, and therefore that all of these claims are in condition for allowance. A formal notice of allowance is thus requested.

Additionally, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific issue or comment does not signify agreement with or

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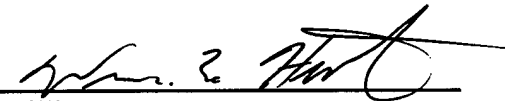
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concession of that issue or comment. Because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fees are believed due with this response. Please apply any necessary charges or credits to deposit account 06-1050.

Respectfully submitted,

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